



PROJECT APPLICATION  
COMMUNITY DEVELOPMENT  
7447 E. INDIAN SCHOOL ROAD  
SCOTTSDALE, AZ 85251  
(480) 312-7000 FAX (480) 312-7088

**Applicant  
Submitted  
Document**

Note:  
Coordinator signature  
required prior to  
submittal.

<input type="checkbox"/> GEN'L PLAN AMENDMENT	<input type="checkbox"/> MASTER SIGN PROGRAM
<input type="checkbox"/> REZONING	<input type="checkbox"/> LOT SPLIT
<input type="checkbox"/> PRELIMINARY PLAT	<input checked="" type="checkbox"/> VARIANCE
<input type="checkbox"/> USE PERMIT	<input type="checkbox"/> ABANDONMENT
<input type="checkbox"/> DEVELOPMENT REVIEW	<input type="checkbox"/> OTHER

CASE # 5-BA-03

Q.S. \_\_\_\_\_

PROJECT # 188-PA-2002 #5

APPLICANT FILL OUT BELOW			
PROJECT NAME <u>WAXMAN/MORRISON</u>		PROJECT LOCATION (ADDRESS) <u>6402 East Calle Del Paisano</u>	
REQUEST <u>18 foot setback variance on 64th Street.</u>		CURRENT ZONING <u>R1-10</u>	
		PARCEL IN ACRES -- NET: <u>.396</u> GROSS: <u>NA</u>	
		BOOK, MAP, PARCEL: <u>130-01-019</u>	
Current OWNER Name <u>Maruca Morrison</u>	Street Address <u>6402 E Calle Del Paisano</u>	Phone <u>480-946-8346</u>	
Company <u>Steven Waxman</u>	City/State/Zip <u>Scottsdale AZ 85251</u>	FAX	
DEVELOPER Name	Street Address	Phone	
Company	City/State/Zip	FAX	
ARCHITECT Name <u>Michael Hilgers</u>	Street Address <u>4411 S. Rural Road #201</u>	Phone <u>602-499-9864</u>	
Company <u>Architectural Management</u>	City/State/Zip <u>Tempe, AZ 85282</u>	FAX <u>480-838-8826</u>	
ENGINEER Name	Street Address	Phone	
Company	City/State/Zip	FAX	
The owner shall designate either himself, or his architect, engineer, or agent as the coordinator for the project. This person will attend pre-application conferences, and will receive the agenda, recommendations and case reports. All contacts will be made for this project through the person named as coordinator below.			
APPLICANT/COORDINATOR NAME <u>Maruca Morrison</u>	Street Address <u>6402 E Calle Del Paisano</u>	Phone <u>480-946-8346</u>	
Company	City/State/Zip <u>Scottsdale, AZ 85251</u>	FAX e-mail <u>480-946-8346</u>	
OWNER'S SIGNATURE <u>Maruca O. Morrison</u>		APPLICANT'S SIGNATURE	
PRINT NAME <u>Maruca O. Morrison</u>		PRINT NAME	
REPRESENTING		REPRESENTING	
OFFICIAL USE ONLY			
YOUR STAFF COORDINATOR: <u>Keith J. Hudson</u>		(480) 312- <u>4211</u>	
THIS APPLICATION NEEDS A: <input checked="" type="checkbox"/> NEW # OR <input type="checkbox"/> OLD PROJECT #		PRE-APP. DATE	

**5-BA-2003**

5-6-03

APPLICATION

- ☐ Rezoning ☐ Other  
☐ Use Permit  
☐ Development Review  
☐ Master Sign Programs  
☒ Variance

Case # 188 / 1 -PA- 2002  
 Project Name Waxman / Morrison  
 Location 6402 E. Camel Del Palisano  
 Applicant Marcia Morrison  
Steven Waxman

**SITE DETAILS**

Proposed/Existing Zoning: R1-10  
 Use: Residential  
 Parcel Size: 17,268 sf  
☐ Gross Floor Area ☐ Total Units: 4915±  
☐ Floor Area Ratio ☐ Density: 28%

Parking Required: N/A  
 Parking Provided: N/A  
 # Of Buildings: one  
 Height: Max height 30' - 0"  
 Setbacks: N- 7' 0" S- 15' 0"  
 E- 25' W- 30' 0"  
with exception

**In the following space, please describe the project or the request**

**Applicant  
Submitted  
Document**



PROJECT NARRATIVE

We started this process by visiting the One Stop Shop at the City of Scottsdale. We were told that 64<sup>th</sup> was not owned by the City of Scottsdale but by the City of Phoenix. I next went to the City of Phoenix to request the paperwork for abandonment. The City of Phoenix stated they did not own the east side of 64<sup>th</sup> Street. I went back to the City of Scottsdale and they insisted they did not own 64<sup>th</sup> Street. I got a copy of the intergovernmental agreement between the City of Phoenix and City of Scottsdale regarding 64<sup>th</sup> Street. Part Three of the agreement states that City of Scottsdale shall deannex and Phoenix shall annex the existing Scottsdale right of way along the east half of 64<sup>th</sup> Street between the Arizona Canal and the point 100 feet south of Camelback Road. This document we recorded on 9/28/95 and City of Scottsdale had 2 years to complete the transfer of the street. Included in our submittal is this agreement. After reviewing this agreement I requested the legal document that transferred title of the street. They could not find this because 7 years after the agreement was recorded the street had still not been transferred. I was referred to the Scottsdale City of Transportation department. They indicated that the transfer should be taking place shortly and we needed to wait. We waited and waited. Because of the age of our home, items broke and we were no longer able to wait without investing significant dollars to make our home functional. We applied for the variance with the City of Scottsdale and hoped for approval since we could meet all the 4 questions and the homes on the City of Scottsdale side that built closer to 64<sup>th</sup> Street had received approval from the city without a variance hearing (even though a variance hearing was required) and the City of Phoenix homes had under gone a variance hearing and received approval without abandoning the excessive right of way. On January 8, 2003 we were denied approval of our variance and advised by three of the four members of the Board of Adjustment who voted to deny the request to seek abandonment from the City of Phoenix. As part of our submittal, enclosed are the minutes of the variance hearing and videotape. The next day I contacted City of Phoenix to start the abandonment process. I was told the east side of 64<sup>th</sup> Street was not owned by City of Phoenix but by City of Scottsdale. This was correct. As of the 1/8/2003 variance hearing the City of Scottsdale still owned the street although they told us they did not. We have since applied for the abandonment of the excessive right of way and on 3/26/2003 the abandonment was approved. The abandonment also includes my neighbor homes. The abandonment is from the Arizona Canal to the home directly north of us. Today we are requesting that our variance hearing is approved because of the following:

1. We have satisfied all four questions.
2. We received approval from City of Phoenix for the abandonment of the excessive right of way along the east side of 64<sup>th</sup> Street. This shows their commitment to not widen 64<sup>th</sup> Street or push 64<sup>th</sup> Street through from Indian School. This is what the Cities agreed to back in 1995 and resulted in the street transfer to City of Phoenix.
3. Of the 16 corner lots on 64<sup>th</sup> Street below Layette, 6 homes have built closer to 64<sup>th</sup> Street with City approval. Almost 40% of the lots have built closer to 64<sup>th</sup> Street with the Cities approval. See driving tour page 1. We want to be treated like our neighbors.

4. We exceed the side yard requirements. 64<sup>th</sup> Street is our side yard. There is no door to our home from 64<sup>th</sup> Street. Our mailing address and front door like all our neighbors is on Calle Del Paisano.
5. Our neighbors support our plan to improve our home and improve our neighborhood.

A description of our project is as follows:

The present home on this site was built in 1958 and is approximately 1927 square feet. This home is a single story home and the front of the house faces Calle Del Paisano and the garage faces 64<sup>th</sup> Street.

Since the home is 44 years old the plumbing, electrical and mechanical systems need to be upgraded. In addition to upgrading these items described we would like to add an addition to the east side of the house, convert the existing garage into a kitchen/family room and install a garage on the current driveway.

The design concept is consistent with the single story ranch style homes of the neighborhood.



## **Justification For Requested Variance**

### **Address Where Variance is Requested**

**6402 East Calle del Paisano**

**Scottsdale, AZ 85251-4241**

### **JUSTIFICATION**

- 1. That there are special circumstances applying to the property referred to in the application, which do not apply to other properties in the District. The special circumstances must relate to the size, shape topography, location or surroundings of the property at the above address.**
- 2. That the authorizing of the variance is necessary for the preservation of the privileges and rights enjoyed by other properties within the same zoning classification and zoning district.**
- 3. That special circumstances were not created by the owner or applicant.**

To avoid repetition, variance tests 1 through 3 are discussed collectively:

The subject property is located at the northeast corner of 64<sup>th</sup> Street and East Calle Del Paisano. The home constructed on this property has a unique orientation that is not adequately addressed in the zoning code [Test 1]. The zoning code defines the front yard of a residential corner lot as the yard adjacent to the shorter street frontage. This definition does not consider the orientation of a particular home on a lot or the orientation of homes within a neighborhood (or on a particular street).

The subject home is located in a neighborhood in which each home has been constructed so that the front yard of every home is adjacent to East Calle Del Paisano (the orientation of every home in the neighborhood is not controlled by the applicant [Test 3]). The subject home is also constructed to orient the front of the home to East Calle Del Paisano to ensure the home is not isolated from the neighborhood and to ensure the character and define the boundaries of the neighborhood. However, the zoning code's definition of "front yard" deems that the subject home's front yard is located adjacent to 64<sup>th</sup> Street; this yard is actually (as constructed) the home's side yard (in keeping with the orientation of every other home in the neighborhood) [Test 1].

A strict application of the zoning code to an addition to the subject property would force the addition to conform to an orientation that is incompatible with the orientation of every other home in the neighborhood [Test 2]. Such an application of the code would have the result of isolating the subject home from the neighborhood by introducing side yard improvements into the neighborhood's recognized front yard of the subject home. This construction would change the character of the neighborhood by reorienting one of the homes in the neighborhood inconsistently with others and would create an undesired result that is unlikely intentionally created by the zoning code [Test 2].

If the yard standards within zoning code are applied to the constructed orientation of the subject lot, so that the subject home's constructed and code defined front yards are the same (facing East Calle Del Paisano), the proposed additions to the home could be constructed in keeping with the character of the neighborhood and would meet the setback standards required for the front and rear yards for other properties within this zoning district.

In addition to the unique orientation of the subject property, the property is also located on 64<sup>th</sup> Street, a dead end street. The City of Phoenix on March 26, 2003 approved the abandonment of the excessive right of way along the east side of 64<sup>th</sup> Street from the Arizona Canal to the home directly north of the subject's property (6401 East Calle Rosa). The subject's lot now has more than enough footage to accommodate the proposed addition and exceeds the side yard set back requirements by 3 feet.

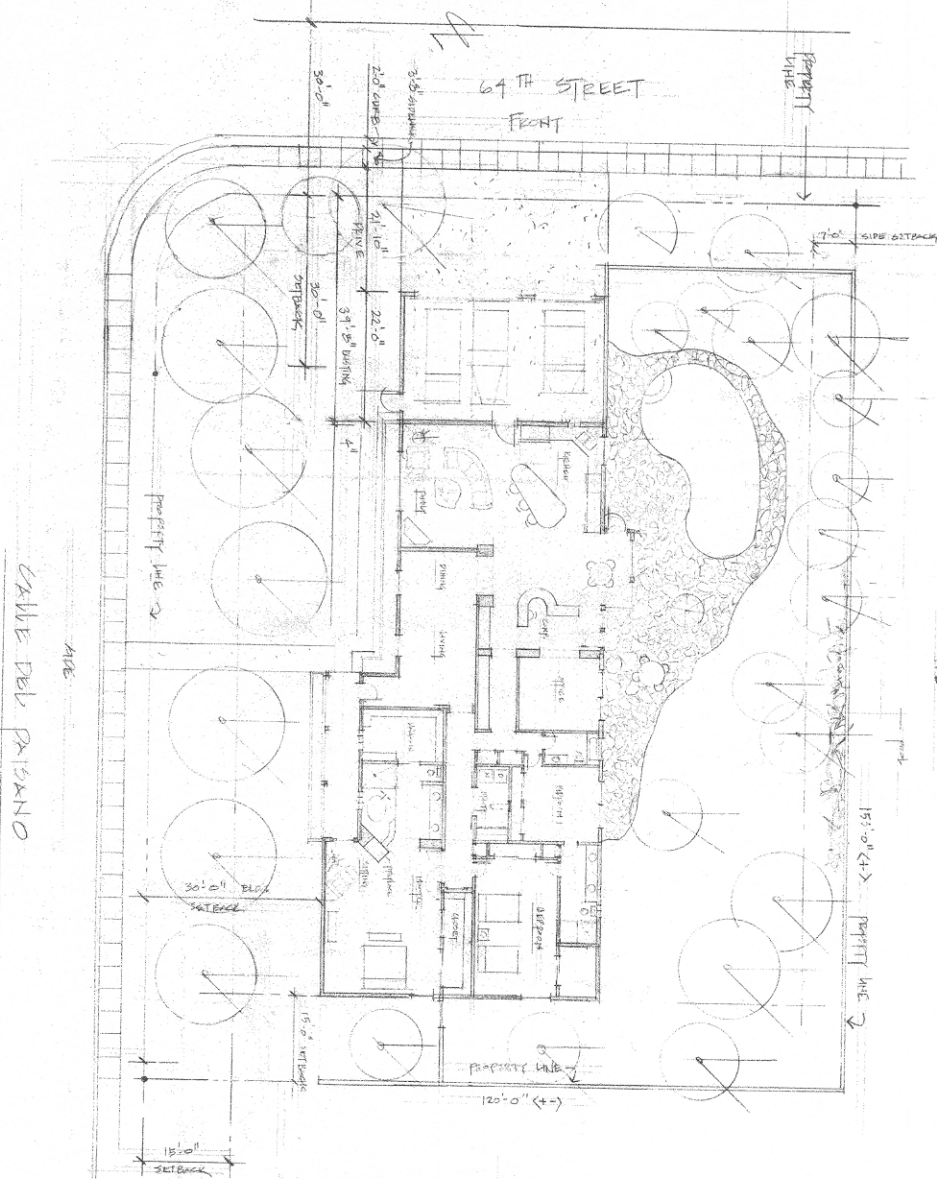
**4. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general.**

Approval of this request would allow for high quality construction that is consistent with the historical development pattern of this neighborhood. Several homes in this neighborhood have been expanded and constructed closer to 64<sup>th</sup> Street. Further, the request ensures that the applicant does not have to expand the subject home by adding a second story to the home (which would block neighborhood views of Camelback Mountain and would not be consistent with development in the neighborhood). Finally, the proposed orientation of improvements ensures that no orange trees, currently located on the subject property, would have to be removed. It is widely recognized that this neighborhood is characterized by its citrus trees and, thus, it is important to save any citrus trees that can be saved.

The neighbors surrounding this property support this request, as noted on the attached petition in support.



STANDARD ARCHITECTURAL CONVENTIONS



CABLE TV RAILROAD

AKC

Site Plan / Floor Plan

1" = 10'-0"

WASHMAN'S RESIDENCE  
4702 S. CAUSEWAY PARKWAY  
WASHMAN'S RESIDENCE

Legend:  
APN # 150-01-019 & S. L. 45  
LOT 445 WASHMAN'S RESIDENCE #10 ZONING P.D.

**5-BA-2003**

5-6-03

DATE	4-1-02
BY	2-2-01
REVISION	5-13



ARCHITECTURAL MANAGEMENT LLC

1111 S. FORT ROAD SUITE 201  
TAMPA, FL 33602